Affaires autochtones et Développement du Nord Canada
Aboriginal Affairs and Northern Development Canada

Annual Report to Parliament

Privacy Act

2010 - 2011

Canada

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Annual Report to Parliament

Privacy Act

Aboriginal Affairs and Northern Development Canada 2010 - 2011

Note to Readers:

On May 18, 2011, Prime Minister Stephen Harper announced his new Cabinet. Minister John Duncan continues in this portfolio. However, the Minister's title is changing from Indian Affairs and Northern Development to Aboriginal Affairs and Northern Development Canada.

Effective June 13, 2011, for general public use, the new applied title for the department under the Government of Canada's Federal Identity Program (FIP) is Aboriginal Affairs and Northern Development Canada (AANDC).

Please see www.ainc-inac.gc.ca/ai/aand-eng.asp for more information.

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1. Introduction

The purpose of the *Privacy Act (PA)* is to protect the privacy of individuals with respect to personal information about themselves held by federal institutions, and to provide individuals with a right of access to that information.

This report to Parliament describes the activities of Aboriginal Affairs and Northern Development (AANDC) that support compliance with the *PA* pursuant to section 72 of the *PA*. The report details the activities and accomplishments of the AANDC's Access to Information and Privacy (ATIP) Directorate, including highlights such as:

- Continued promoting of timely access to personal information through informal disclosures and by delegating full authority under the *PA* to the AANDC ATIP Coordinator
- Providing ongoing training opportunities to AANDC employees in the National Capital and Québec Regions

AANDC is responsible for two separate yet equally important mandates: *Indian and Inuit Affairs* and *Northern Development*. This broad mandate is derived largely from the *Department of Indian Affairs and Northern Development Act*, the *Indian Act*, and the territorial acts and legal obligations arising from section 91(24) of the *Constitution Act*. The Department is responsible for administering more than 50 statutes in total. Consequently, AANDC's mandate is complex and its responsibilities encompass a broad spectrum of programs.

The Department is responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis and for fulfilling the federal government's constitutional responsibilities in the North.

The Minister of Aboriginal Affairs and Northern Development is also the Federal Interlocutor for Métis and Non-Status Indians. The Federal Interlocutor's role is to provide a point of contact between the Government of Canada and Métis, Non-Status Indians and urban Aboriginal peoples. The goal of this relationship is to advocate for and work with off-reserve Aboriginal Canadians in order to achieve equal services to those living on reserves.

2. Organization

The ATIP Directorate is responsible for the administration of requests made under the *PA*. It was established within the Corporate Secretariat and reports to the Corporate Secretary, who is directly accountable to the Deputy Head and is a member of the AANDC Senior Management Committee (SMC).

The Directorate is comprised of two groups, the ATIP Unit and the Privacy Policy Division. While the ATIP Unit of the Directorate handles incoming requests for record review, the Privacy Policy Division's role is to provide critical privacy advice to new initiatives, resulting in changes

that will improve privacy protection in departmental programs. Policies and procedures are being established to ensure that privacy is considered throughout the life cycle of AANDC's processes and programs and that the fair information principles inform policy decisions concerning the collection and use of personal data.

The AANDC Privacy Policy Division provides advice and guidance to the Department on a number of topics;

- Conducting Departmental Privacy Impact Assessments (PIAs)
- Including and using appropriate *PA* Statements on Data Collection Instruments (DCIs) i.e.: Forms, Surveys, etc.
- Info Source and instructing in the preparation and registration of Personal Information Banks (PIBs) and their related Classes of Records
- Educating and promoting awareness of privacy and privacy-related issues throughout the Department
- Meeting the requirements of the *PA* and its related policies regarding the sharing of personal information when preparing Memoranda of Understanding (MOUs)

The Privacy Policy Division comprises the following positions:

- Director, who, as institutional ATIP Coordinator, also holds full delegated authority under the *PA*;
- Senior Privacy Advisor (Team Leader), who is responsible for the oversight of Privacy Policy Division team. Other functions include the development and monitoring of the ATIP policy function within AANDC, the review of completed requests, and training and capacity building;
- two Privacy Policy Technical Advisors, who advise and guide departmental officials and specialists on systems implications of the PIA policy, PIBs, and the Info Source index;
- two Privacy Policy Advisors, who provide analytical and advisory services regarding ATIP issues (including analysis of PIAs), and develops Memoranda of Understanding (MOU);
- Privacy Policy Project Officer, who reviews, assesses and registers departmental collections of personal information for storage in PIBs and inclusion in Info Source,
- Privacy Policy Officer, who provide administrative support and services related to the implementation and maintenance of a program of structured and ongoing assessments of all electronic and manual paper-based systems throughout AANDC;
- two Privacy Policy Technical Officers, who provide administrative services in support of the Team Leader as well as assistance in the provision of policy and technical advice related to PIAs, PIBs and Info Source; and

- one Privacy Policy Clerk, who enters all applications into the electronic system, acknowledges requests and is responsible for other administrative tasks.

During the 2010-2011 reporting period, the Privacy Policy Division was challenged by a number of departures and vacancies in its organizational structure.

3. Delegation Order

Under section 73 of the *PA*, the Minister's authority is delegated to departmental officials in order to administer the *PA* within AANDC.

At the outset of the reporting period, a delegation order dated May 26, 2008 was still in effect (Appendix A). This delegation order designated the following position as having the authority to administer the *PA*:

- Corporate Secretary
- Departmental ATIP Coordinator
- Designated officers to act in place of the above position holders in their absence

A new delegation order was signed on November 3rd, 2010 following AANDC's transition to a new Minister (Appendix B). Under section 73 of the *PA*, the order delegated full authority and responsibility for the *PA* to the Corporate Secretary and to the Departmental ATIP Coordinator within the Corporate Secretariat. Fully delegated authority to the ATIP Coordinator ensured AANDC's continued commitment to timely administration of requests.

4. Interpretation of the Statistical Report

The Statistical Report was submitted to the Treasury Board Secretariat (TBS) on May 27, 2011 (Appendix C). The Statistical Report details all aspects of the privacy requests received by the ATIP Unit during the period of April 1, 2010 to March 31, 2011. This year, 70 requests were processed while 14 active files will be carried over to the next fiscal year.

4.1 Requests received under the Privacy Act

Table 1 indicates the number of *PA* requests received during the reporting period from April 1, 2010 to March 31, 2011.

Table 1. Privacy requests received during the 2010-2011 reporting period.

Requests	Number of Requests	Percentage (%)
Received during reporting period	70	87.5
Carried forward from previous year	10	12.5
Total	**80**	**100**

This fiscal year, the Directorate received a significant increase in requests under the *PA*. In addition to the 70 requests received during the 2010-2011 reporting period, 10 requests were carried over from the previous year, for a total of 80 requests. This yields a workload increase of 31 total privacy requests in 2010-2011.

4.2 Disposition of Completed Requests

Table 2 shows the disposition of completed privacy requests during the reporting period from April 1, 2010 to March 31, 2011.

Table 2. Disposition of completed Privacy requests from the 2010-2011 reporting period.

Disposition	Number of Requests	Percentage (%)
Disclosed in Part	32	45.71
Abandoned by the Applicant	17	24.29
All Disclosed	10	14.29
Unable to Process	9	12.85
Nothing Disclosed (Exempted)	1	1.43
Nothing Disclosed (Excluded)	1	1.43
Transferred	0	0.00
Total	**70**	**100**

The most frequent outcome of the requests processed during the reporting period was Partial Disclosure, which occurred with 32 requests (45.71%). By nature, many of the records requested contain personal information about an individual other than the individual who made the request. This information was protected under section 26 of the *PA*.

The second-most frequent outcome was Abandoned by the Applicant, which occurred with 17 requests (24.29%). All requests that were abandoned were either treated informally or the ATIP Unit did not have enough information to proceed (and the requester failed to answer our request for clarification within 30 days).

The third-most frequent outcome was All Disclosed, which occurred with 10 requests (14.29%).

4.3 Exemptions invoked

The exemption under section 26 of the *PA* was applied to the records released in 34 requests.

4.4 Exclusions cited

No exclusions from the *PA* were cited in 2010-2011.

4.5 Completion Times

Table 4 includes the completion times required for each processed request during the reporting period from April 1, 2010 to March 31, 2011.

Table 3. Completion times for requests received during the 2010-2011 reporting period.		
Period	**Number of Requests**	**Percentage (%)**
30 days or less	34	48.57
31-60 days	15	21.43
61-120 days	13	18.57
181 days or over	8	11.43
Total	**70**	**100**

The ATIP Unit was successful in responding to 34 (48.57%) privacy requests within the legislated timeframe of 30 days without the application of extensions. Beyond the 30 day timeframe, 15 requests (21.43%) were completed within an additional 30 days while 13 requests (18.57%) required between 61 and 120 days to complete. According to *Table 4*, 8 requests (11.43%) required over 180 days to process.

4.6 Extensions

In 10 instances, meeting the original timeline would have unreasonably interfered with regular operations of AANDC. Therefore, in these instances an extension of 30 days was taken. For one request, an extension under 30 days was taken in order to consult prior to release of the records.

4.7 Translations

There were no translations requested during the reporting period.

4.8 Method of Access

In each of the 42 cases where records were released, copies of the records were provided to the requester.

4.9 Costs

Table 5 shows the costs incurred during the reporting period from April 1, 2010 to March 31, 2011.

Table 4. Costs to administer the AANDC ATIP Directorate during the 2010-2011 reporting period.	
Financial	**Amount**
Salary	$610,280.28
Administration (O&M)	$91,155.13
Total	**$701,435.41**
Person Year (decimal format)	**9.04**

Costs incurred during the reporting period are calculated based on the salaries of ATIP Directorate employees (9.04 FTEs) and the Operational and Management (O&M) expenses associated with the administration of the *PA*.

5. Disclosure of Personal Information

Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with subsection 8(1) of the *PA*.

Further to the formal 74 requests received under the *PA*, there are permissible disclosures of personal information under subsection 8(2) of the *PA* which may be disclosed without the consent of the individual to whom the information pertains. *Table 6* lists the permissible disclosures made during this reporting period. These disclosures constitute 1069 requests received and 1050 treated.

Table 5. Permissible Disclosures of Personal Information made during the 2010-2011 reporting period.

Paragraph of s.8(2)	Number of Disclosures	Percentage (%)
(f)	790	73.90
(e)	191	17.87
(d)	51	4.77
(k)	26	2.43
(b)	5	0.48
(a)	3	0.28
(g)	1	0.09
(h)	1	0.09
(j)	1	0.09
(c)	0	0.00
(i)	0	0.00
(l)	0	0.00
(m)	0	0.00
Total	**1069**	**100**

Paragraph 8(2)(a)

Personal information may be disclosed "for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose."

Under this paragraph of the *PA*, three (0.28%) requests were received and treated.

Paragraph 8(2)(b)

Personal information may be disclosed "for any purpose in accordance with any Act of Parliament or any regulation made there under that authorizes its disclosure."

Under this paragraph of the *PA*, five (0.48%) requests were received and treated.

Paragraph 8(2)(c)

Personal information may be disclosed "for the purpose of complying with a subpoena or warrant issued or order made by a court, […] for the purpose of complying with rules of court relating to the production of information."

Under this paragraph of the *PA*, no requests were received and treated.

Paragraph 8(2)(d)

Personal information may be disclosed "to the Attorney General of Canada for use in legal proceedings involving the Crown in right of Canada or the Government of Canada."

Under this paragraph of the *PA*, 51 (4.77%) requests were received and treated.

Paragraph 8(2)(e)

Personal information may be disclosed "to an investigative body […] for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation..."

Under this paragraph of the *PA*, 191 (17.87%) requests were received and treated.

Paragraph 8(2)(f)

Personal information may be disclosed "under an agreement or arrangement between the Government of Canada […] and the government of a province [or territory] […] for the purpose of administering or enforcing any law or carrying out a lawful investigation."

Under this paragraph of the *PA*, 790 (73.90%) requests were received and treated.

Paragraph 8(2)(g)

Personal information may be disclosed "to a member of Parliament for the purpose of assisting the individual to whom the information relates in resolving a problem."

Under this paragraph of the *PA*, one (0.09%) request was received and treated.

Paragraph 8(2)(h)

Personal information may be disclosed "to officers or employees of the institution for internal audit purposes, or to the office of the Comptroller General or any other person or body specified in the regulations for audit purposes."

Under this paragraph of the *PA*, one (0.09%) request was received and treated.

Paragraph 8(2)(i)

Personal information may be disclosed "to the Library and Archives of Canada for archival purposes."

Altogether AANDC has run 19 training sessions on ATIP in the 2010-2011 fiscal year. Nine of the ATIP sessions were conducted in English and 10 sessions were conducted in French. Each session averaged about three hours in length. AANDC has succeeded in training more than 275 staff on ATIP protocols during the 2010-2011 fiscal year.

Ultimately, staff training will improve AANDC's capacity to meet their legislative obligations including the "duty to assist" requestors, as stated in the *Federal Accountability Act (FAA)*.

11. Changes to the Organization, Policies, Guidelines and Procedures

AANDC did not revise or implement any novel policies, guidelines or procedures during the reporting period.

Appendix A. *PA* Order of Delegation dated May 26, 2008.

Ministre des Affaires indiennes et du Nord canadien et interlocuteur fédéral auprès des Métis et des Indiens non inscrits

Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

Loi sur la protection des renseignements personnels - Ordonnance de délégation de pouvoirs

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, j'autorise par la présente les employés exerçant des fonctions ou occupant le poste de secrétaire du Ministère, Secrétariat du Ministère (numéro de poste 12294), le coordonnateur / gestionnaire (numéro de poste 62185) de l'Accès à l'information et de la protection des renseignements personnels et les employés qui leur succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que chef de cette institution administrative en vertu de la Loi, et tels qu'énoncés dans l'annexe A ci-jointe.

J'autorise par la présente les conseillers principaux de l'Accès à l'information et de la protection des renseignements personnels (numéros de postes 62364, 12590, 12061 et 12058), ainsi que ceux qui leur succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les

Privacy Act – Delegation Order

Pursuant to the powers of designation conferred upon me by Section 73 of the *Privacy Act*, the persons exercising the functions or positions of Corporate Secretary, Corporate Secretariat (position number 12294), and the departmental Access to Information and Privacy Coordinator / Manager (position number 62185) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule A.

The departmental Access to Information and Privacy Senior Advisors (position numbers 62364, 12590, 12061 and 12058) and their respective successors, including in her/his absence, a person or officer designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those

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fonctions dévolus au ministre en tant que chef de cette institution administrative du gouvernement en vertu de la Loi, et tel qu'énoncés dans l'annexe B ci-jointe.	duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule B.

Ministre des Affaires indiennes et du Nord canadien
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le 26e mai, 2006
Dated at Gatineau, the 26 of May, 2006

Appendix A. *PA* Order of Delegation dated May 26, 2008. *cont'd*

SCHEDULE A

DEPARTMENT OF INDIAN AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF THE PRIVACY ACT

Sections and Powers, Duties or Functions

8(2)	Disclose personal information without the consent of the individual to whom it relates
8(4)	Keep copies of requests made under 8(2)(e), keep records of information disclosed pursuant to such requests and to make those records available to Privacy Commissioner
8(5)	Notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)
9(1)	Retain a record of use of personal information
9(4)	Notify the Privacy Commissioner of consistent use of personal information and update index accordingly
10	Include personal information in personal information banks
11(a)	Publish annually and index of all personal information held by the institution which is not part of a bank
14	Respond to request for access, within statutory deadline: give access or give notice
15	Extend time limit and notify applicant
16	Where access is refused
17(2)(b)	Language of access or alternative format of access
17(3)(b)	Access to personal information in alternative format
18(2)	May refuse to disclose information contained in an exempt bank
19(1)	Shall refuse to disclose information obtained in confidence from another government
19(2)	May disclose any information referred to in 19(1) if the other government consents to
the	disclosure or makes the information public
20	May refuse to disclose information injurious to federal-provincial affairs
21	May refuse to disclose information injurious to international affairs and/or defence
22	May refuse to disclose information injurious to law enforcement and investigation
23	May refuse to disclose information injurious to security clearances
24	May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board
25	May refuse to disclose information injurious to which could threaten the safety of individuals
26	May refuse to disclose information about other individuals, and shall refuse to disclose such information where disclosure is prohibited under section 8
27	May refuse to disclose information subject to solicitor-client privilege
28	May refuse to disclose information relating to an individual's physical or mental health were disclosure is contrary to the best interests of the individual
31	Receive notice of investigation by the Privacy Commissioner

33(2) Make representations to the Privacy Commissioner during an investigation
35(1) Receive the Privacy Commissioner's report of findings of the investigation and give notice of action taken
35(4) Give compliant access to information after 35(1)(b) notice
36(3) Receive Privacy Commissioner's report of findings of investigation of exempt
37(3) Receive report of Privacy Commissioner's findings after compliance investigation where the institution has not complied with sections 4 to 8
51(2)(b) Request that matter be heard and determined in National Capital Region
51(3) Request and be given right to make representations in Section 51 hearing
72(1) Prepare Annual Report to Parliament
77 Carry out responsibilities conferred on the head of the institution by the regulations made under section 77

SCHEDULE B

DEPARTMENT OF INDIAN AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF THE PRIVACY ACT

Sections and Powers, Duties or Functions
10 Include personal information in personal information banks
11(a) Publish annually an index of all the personal information banks and their respective contents
11(b) Publish annually an index of all personal information held by the institution which is not part of a bank
15 Extend time limit and notify applicant
31 Receive notice of investigation by the Privacy Commissioner

Appendix B. *PA* Order of Delegation dated November 3, 2010.

Ministre des Affaires indiennes et du Nord canadien, interlocuteur fédéral auprès des Métis et des Indiens non inscrits et ministre de l'Agence canadienne de développement économique du Nord

Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency

Ottawa, Canada K1A 0H4

NOV - 3 2010

Loi sur la protection des renseignements personnels - Ordonnance de délégation de pouvoirs

Privacy Act – Delegation Order

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, j'autorise par la présente les employés exerçant des fonctions ou occupant le poste de Secrétaire du ministère, secrétariat du ministère (**numéro** de poste 12294). le coordonnateur / gestionnaire (**numéro** de poste 62185) de l'accès à l'information et de la protection des renseignements personnels et les employés qui les succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que Chef de cette institution administrative en vertu de la *loi*, et tels qu'énoncés dans l'annexe A, ci-jointe.

Pursuant to the powers of designation conferred upon me by Section 73 of the *Privacy Act*, the persons exercising the functions or positions of Corporate Secretary, Corporate Secretariat (position **number** 12294), and the departmental Access to Information and Privacy Coordinator / Manager (position **number** 62185) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the *Act*, and as set out in the attached Schedule A.

J'autorise par la présente les conseillers principaux de la direction d'accès à l'information et de la protection des renseignements personnels (**numéros** de postes 62364, 12590 et 12061) ainsi que

The departmental Access to Information and Privacy Senior Advisors (position **numbers** 62364, 12590 and 12061) and their respective successors, including in her/his absence, a person or officer

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ceux qui les succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les fonctions dévolues au ministre en tant que Chef de cette institution administrative du gouvernement en vertu de la *loi* et tels que qu'énoncés dans l'annexe B, ci-jointe.

designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the *Act*, and as set out in the attached Schedule B.

Ministre des Affaires indiennes et du Nord Canadien
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le 2010
Dated at Gatineau, the 3rd of, November 2010

Appendix B. *PA* Order of Delegation dated November 3, 2010. *cont'd*

SCHEDULE A

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF THE PRIVACY ACT

Sections and Powers, Duties or Functions

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8(5)	Notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)
9(1)	Retain a record of use of personal information
9(4)	Notify the Privacy Commissioner of consistent use of personal information and update index accordingly
10	Include personal information in personal information banks
11(a)	Publish annually an index of all personal information banks and their respective contents
11(b)	Publish annually an index of all personal information held by the institution which is not part of a bank
14	Respond to request for access, within statutory deadline; give access or give notice
15	Extend time limit and notify applicant
16	Where access is refused
17(2)(b)	Language of access or alternative format of access
17(3)(b)	Access to personal information in alternative format
18(2)	May refuse to disclose information contained in an exempt bank
19(1)	Shall refuse to disclose information obtained in confidence from another government
19(2)	May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
20	May refuse to disclose information injurious to federal-provincial affairs
21	May refuse to disclose information injurious to international affairs and/or defence
22	May refuse to disclose information injurious to law enforcement and investigation
23	May refuse to disclose information injurious to security clearances
24	May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board
25	May refuse to disclose information injurious to which could threaten the safety of individuals
26	May refuse to disclose information about other individuals, and shall refuse to disclose such information where disclosure is prohibited under section 8
27	May refuse to disclose information subject to solicitor-client privilege

28	May refuse to disclose information relating to an individual's physical or mental health where disclosure is contrary to the best interests of the individual
31	Receive notice of investigation by the Privacy Commissioner
33(2)	Make representations to the Privacy Commissioner during an investigation
35(1)	Receive the Privacy Commissioner's report of findings of the investigation and give notice of action taken
35(4)	Give complainant access to information after 35(1)(b) notice
36(3)	Receive Privacy Commissioner's report of findings of investigation of exempt
37(3)	Receive report of Privacy Commissioner's findings after compliance investigation where the institution has not complied with sections 4 to 8
51(2)(b)	Request that matter be heard and determined in National Capital Region
51(3)	Request and be given right to make representations in Section 51 hearing
72(1)	Prepare Annual Report to Parliament
77	Carry out responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above

SCHEDULE B

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF THE PRIVACY ACT

Sections and Powers, Duties or Functions

10	Include personal information in personal information banks
11(a)	Publish annually an index of all personal information banks and their respective contents
11(b)	Publish annually an index of all personal information held by the institution which is not part of a bank
15	Extend time limit and notify applicant
31	Receive notice of investigation by the Privacy Commissioner

Appendix C. AANDC Statistical Report on the *PA*.

Government of Canada / Gouvernement du Canada

REPORT ON THE PRIVACY ACT
RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	Reporting period / Période visée par le rapport
Affaires indiennes et du Nord Canada / Indian and Northern Affairs Canada	2010-04-01 to/à 2011-03-31

I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period / Reçues pendant la période visée par le rapport	74
Outstanding from previous period / En suspens depuis la période antérieure	10
TOTAL	84
Completed during reporting period / Traitées pendant la période visées par le rapport	70
Carried forward / Reportées	14

II Disposition of request completed / Disposition à l'égard des demandes traitées

1.	All disclosed / Communication totale	10
2.	Disclosed in part / Communication partielle	32
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	1
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	1
5.	Unable to process / Traitement impossible	9
6.	Abandoned by applicant / Abandon de la demande	17
7	Transferred / Transmission	0
TOTAL		70

III Exemptions invoked / Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	34
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited / Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	34
31 to 60 days / De 31 à 60 jours	15
61 to 120 days / De 61 à 120 jours	13
121 days or over / 121 jours ou plus	8

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	10	0
Consultation	1	0
Translation / Traduction	0	0
TOTAL	11	0

VII Translations / Traductions

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	42
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notation / Corrections et mention

Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	$ [illegible]
Administration (O and M) / Administration (fonctionnement et maintien)	$ [illegible]
TOTAL	$ [illegible]

Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	9.04

TBS/SCT 350-63 (Rev. 1999/03)

Under this paragraph of the *PA*, no request was received and treated.

Paragraph 8(2)(j)

Personal information may be disclosed "to any person or body for research or statistical purposes if the head of the government is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates and obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates."

Under this paragraph of the *PA*, one (0.09%) request was received and treated.

Paragraph 8(2)(k)

Personal information may be disclosed "to any association of aboriginal peoples, Indian band, government institution or part thereof, or to any person acting on behalf of such association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada."

Under this paragraph of the *PA*, 26 (2.43%) requests were received and twenty-four (24) were treated.

Paragraph 8(2)(l)

Personal information may be disclosed "to any government institution for the purpose of locating an individual in order to collect a debt owing to Her Majesty in right of Canada by that individual or make a payment owing to that individual by Her Majesty in right of Canada."

Under this paragraph of the *PA*, no request was received and treated.

Paragraph 8(2)(m)

Personal information may be disclosed "for any purpose where, in the opinion of the head of the institution, (i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or (ii) disclosure would clearly benefit the individual to whom the information relates."

Under this paragraph of the *PA*, no requests were received and treated.

6. Other ATIP Directorate Functions

The ATIP Unit also processes other types of files, including informal requests such as Privacy Consultation (PC), Privacy Informal (PI), and Pre-distribution reviews of Human Resources and Workplace Services (HRWS) reports. All of these files lend significantly to the workload in ATIP. As such, in the 2010-2011 reporting period, over 2,700 requests were received in the ATIP Directorate.

6.1 Consultations from Other Institutions

No privacy consultations were received from government institutions during the reporting period.

6.2 Informal Treatment of Privacy Requests

AANDC receives requests for information that can be answered without citing the *PA* but keeping within the spirit of the legislation.

The majority of PI files are requests made by applicants of the Common Experience Program (CEP), requesting access to their own Residential School records. The service standard for this service is 60 days.

7. Complaints and Investigations

During the 2010-2011 reporting period, only one complaint against the Department was filed with the Office of the Privacy Commissioner of Canada (OPC) in relation to the processing of requests under the *PA*. Six complaints had been carried over from the previous fiscal year. As such, six investigations were completed and one will be carried over to the next reporting period. Of the six completed investigations, the Privacy Commissioner of Canada concluded that four complaints were not substantiated and two complaints were resolved.

8. Privacy Impact Assessments

A PIA is a step-by-step evaluation of the flow of personal information held within a given program or service. This process enables the Department to determine whether new technologies, information systems, initiatives, and proposed programs or policies meet federal government privacy requirements.

A PIA outlines salient points about new or existing personal information, including hard copy format or through technology systems, by answering questions about how the information and data will be maintained, what administrative controls will be in place, and how the decision to use the information was made.

The 10 Fair Privacy Principals (Accountability; Identifying Purposes; Consent; Limiting Collection; Limiting Use, Disclosure and Retention; Accuracy; Safeguards; Openness; Individual Access; and Challenging Compliance) are used as a guide to ensure that privacy is considered throughout the implementation of new systems.

From the initiation of a PIA to the final product, the Privacy Policy Unit has provided direction to program offices and their components on the PIA process. Please refer to *Appendix B* to view a more comprehensive listing of the number of PIAs and Preliminary Privacy Impact Assessments (PPIAs) that AANDC has been involved in during the 2010-2011 fiscal year.

In the 2010-2011 fiscal-year, AANDC has completed six PIAs (Appendix C). Three did not necessitate complete assessments and three were summarized stating:

National Litigation Inventory and Reporting System

The National Litigation Inventory Reporting System (NLIRS) project was initiated to establish a single integrated system for tracking and reporting on AANDC's inventory of litigation cases. The system is to be based on a commercial off-the-shelf (COTS) product with full case management support. It will replace a variety of existing tools and databases used by teams and individuals in the branch.

The introduction of a new system will include the move to standardized processes for case management and information management across the branch. Litigation Management and Resolution Branch (LMRB) management will be able to substantially reduce risks related to case and information management by harmonizing its processes, consolidating its information and eliminating the wide array of current tracking tools.

Arrival XE Extended Edition

Arrival XE Extended Edition is the internal tracking and delivery management system from Pitney Bowes that performs application tracking functionality to manage the C3 Application workload.

The Arrival System automates the tracking of mail and packages after they reach the Winnipeg processing centre. Arrival also simplifies delivery logging, reporting and prioritization for mail-center staff, and it gives a variety of options for checking delivery status and location. The SendSuite system enables the Call Centre to view application processing history and status to support McIvor-related enquiries.

Indian Lands Registry System

The Indian Lands Registry System publishes personal information necessary to confirm the rights of a First Nation individual to a parcel or parcels of Reserve land. The Government, under several pieces of legislation, is obligated to provide such a registry.

The Indian Lands Registry Upgrade Project (ILRUP) is a re-development of the existing Indian Lands Registry system. The first and primary objective of ILRUP is a technical infrastructure replacement of the existing land registries. This will involve "recoding" the current land registry system.

Second, the project provides all registry clients with access to electronic maps using Geographic Information System (GIS) technology. The project provides a Secured user web application for authorized users to enter and update information in the Land Registries. As well, the project will provide a public site for read-only users.

These PIA summaries will be made publicly available on the official AANDC website in the 2011-2012 fiscal year.

9. Data Matching Activities

Data Matching is an activity involving the comparison of personal information from different sources, including sources within the same government institution, for administrative or non-administrative purposes. The data matching activity that is established can be systematic or recurring and can also be conducted on a periodic basis when deemed necessary. Data matching includes the disclosure or sharing of personal information with another organization for data matching purposes.

There were no new data-matching activities during the reporting period.

10. AANDC Highlights in 2010-2011

Over the 2010-2011 fiscal year, AANDC has proven its commitment to the importance of a robust privacy-sensitive culture throughout the Department. The following represents these highlights:

9.1 Compliance of the Treasury Board of Canada Secretariat – Privacy Impact Assessments

AANDC is taking a proactive approach to privacy throughout the Department and has obtained guidance and support from the Treasury Board Secretariat to implement various Privacy policies and tools. To this end, the Privacy Policy Unit has developed tools to help program officials in conducting Privacy Impact Assessments (PIAs).

9.2 Compliance of the Treasury Board of Canada Secretariat – Info Source

The Privacy Policy Unit has also worked with Treasury Board to meet its requirements for Info Source – the annual publication containing information about the Government of Canada, its organization and information holdings. This includes conducting PIAs and the development of PIBs.

9.3 Education and Training

AANDC has administered a number of training sessions to increase awareness about the need for Privacy throughout the Department and to make it relevant for all staff.

Privacy 101 Training is an interactive educational session designed to provide participants with a sound understanding of the principals of Privacy. Some key elements include a discussion on the meaning of Privacy, an explanation of the *Privacy Act* and its purpose, and how Privacy relates to "me and my job". Special attention is paid to the Aboriginal people (First Nations, Inuit and Métis) and the management of their personal information. Understanding of the *Privacy Act* and the responsibilities inherent within the Act will increase compliance throughout the Department.

Ten Privacy 101 Training sessions were administered in the 2010-2011 fiscal year, with 10 to 25 persons in attendance for each. As AANDC has found this to be a successful and effective tool, Privacy 101 Training sessions will continue to be a staple in the education of the staff in the Department.

In addition to the reporting requirements addressed in the TBS Statistical Report, institutions are required to report supplemental information on PIAs. AANDC's Supplemental Reporting Requirements are as follows:

Table C-1. Supplemental Reporting Requirements for the 2010-2011 *PA* Statistical Report	
Preliminary Privacy Impact Assessments Initiated	0
Preliminary Privacy Impact Assessments Completed	0
Privacy Impact Assessments Initiated	12
Privacy Impact Assessments Completed	6
Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC)	1